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10/537,933	06/28/2006	Andrew Robert Clark	04607/0203002-USO	8660
7278	7590	10/05/2007	EXAMINER	
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Church Street Station			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/537,933

Applicant(s)

CLARK ET AL.

Examiner

Adel Y. Youssef

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/07/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Nickels et al (U.S. Patent No: 6134591) herein referred to as Nickels

**Regarding claim 18**, Nickels teaches a communication system arranged to communicate under the Transmission Control Protocol (TCP), the system being arranged to not accept a TCP connection request unless a connection has already been negotiated (column 6 lines 35-50 and column 10 lines 30-50; Nickels teaches the devices used to communicate over network using Transmission Control Protocol and how the security server #24 communicate with computer user #16, see figure 8).

**Regarding claim 19**, Nickels teaches a communication system according to claim 18, wherein the connection is negotiated by receipt at the communication system of a connection request message (column 3, lines 50-65; Nickels teaches the

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communication system has connection for each message transaction).

**Regarding claim 20**, Nickels teaches communication system according to claim 18, wherein the request message comprises a datagram (column 16, lines 1-40 (See figure 10); Nickels teaches a diagram with a data format that indicates where to log data at the network points).

**Regarding claim 21**, Nickels teaches a communication system according to claim 19, wherein the connection request message includes data on the connection requested (column 3, lines 50-65, column 11, lines 60-65 and column 12, lines 4-15; Nickels teaches the message has data on the connection and a confirmation that the data was sent by the object).

**Regarding claim 22**, Nickels teaches a communication system according to claim 19, wherein the connection request message includes information on a source of the connection request message (column 4, lines 2-29 and column 11, lines 1-15; Nickels teaches a source computer system of the connection provides information (online)).

**Regarding claim 23**, Nickels teaches a communication system according to claim 19, wherein the communication system is arranged to evaluate the connection request message prior to accepting a TCP connection (column 6, lines 35-50; Nickels teaches

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the device communicates over the network using TCP).

**Regarding claim 24**, Nickels teaches a communication system according to claim 23, wherein the evaluation includes authenticating data within the connection request message (column 3, lines 60-65 and, column 12 lines 15-65 (See figure 7); Nickels teaches authenticating the first message by calculating a digital signature associated with the first message).

**Regarding claim 25**, Nickels teaches a communication system according to claim 23, wherein the evaluation includes authenticating the source of the connection request message (column 3, lines 60-65 and column 4, lines 1-25; Nickels teaches authenticating the source computer program of the connection).

**Regarding claim 26**, Nickels teaches a communication system according to claim 23, wherein the communication system is arranged to negotiate an encryption key during evaluation (column 3, lines 48-65; Nickels teaches the security system provides encryption keys).

**Regarding claim 27**, Nickels teaches a communication system according to claim 18, wherein each communication system comprises a computer network communication protocol stack (column 6 lines 36-65; Nickels teaches a protocol stack is defined as http application and TCP as transport and IP as a network).

**Regarding claim 28,** Nickels teaches a communication system according to claim 18, wherein the or each communication system comprises a network communications device (column 1, lines 10-35 and, column 3, lines 5-25; Nickels teaches that all devices communicate with each other by network communication).

**Regarding claim 29,** Nickels teaches a communication system according to claim 28, wherein the network communications device comprises one of a router, bridge, gateway, firewall or switch (column 8, lines 25-60; Nickels teaches a gateway program module 72, See figure 3 and the gateway component of the web server 32, see figure 6).

**Regarding claim 30,** Nickels teaches a program storage device readable by a machine (column 20, lines 30-40) and encoding a program of instructions for requiring a computer system to negotiate connection with a source system to be completed prior to acceptance of Transmission Control Protocol (TCP) communication packets from the source system (column 3, lines 15-50 and column 6, lines 1-6; Nickels teaches that each program module is stored in computer system and generates HTML data packets to the computer system from the source system by (TCP)).

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**Regarding claim 31**, Nickels teaches a data communications connection method for the Transmission Control Protocol (TCP) comprising the steps of: prior to the establishment of a TCP/IP connection an initiating party computer system sending a connection request message to a receiving party computer system; receiving the connection request message at the receiving party computer system; opening a TCP connection at the receiving party computer system for the initiating party computer system, and, communicating between the initiating and receiving party computer systems using TCP communication packets (column 6, lines 35-55 and, column 9, lines 20-55).

**Regarding claim 32**, Nickels teaches a data communications connection method according to claim 31, wherein the connection request message includes data on the connection requested (See figure 7, column 12 lines 15-65; Nickels teaches The web server #32 passes the data messages from the computer system #16 to the security server #24 indicating that the computer system #16, See figure 1).

**Regarding claim 33**, Nickels teaches a data communications connection method according to claim 31, wherein the connection request message includes information on the initiating party computer system (column 4 lines 2-30; Nickels teaches the connection message providing addressing information for the source computer).

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**Regarding claim 34**, Nickels teaches a data communications connection method according to claim 31, further comprising: evaluating the connection request message at the receiving party computer system prior to accepting a TCP connection (column 6, lines 35-55 and, column 9, lines 20-55; Nickels teaches computer system used to handle network transaction traffic between a user computer system and application server computer system as used in connection with the preferred embodiment of the network security system, see figure 3).

**Regarding claim 35**, Nickels teaches a data communications connection method according to claim 34, wherein evaluating the connection request message includes authenticating data within the connection request message (See figure 7, column 12 lines 15-65; Nickels teaches authenticating the first message by calculating a digital signature associated with the first message).

**Regarding claim 36**, Nickels teaches a data communications connection method according to claim 34, wherein evaluating the connection request message includes authenticating the initiating party computer system (column 4 lines 1-25; column 20 lines 15-28; Nickels teaches the connection message provides addressing information for the source computer).

**Regarding claim 37**, Nickels teaches a data communications connection method according to claim 34, further comprising negotiating an encryption key during



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evaluation (column 3, lines 45-65; Nickels teaches the security system providing encryption keys during evaluation).

### **Conclusion**

3. Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to**:  
Commissioner for patents  
P.O.Box1450  
Alexandria, VA 22313-1450

### **Hand-delivered responses should be brought to**

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adel Y. Youssef whose telephone number is 571-270203525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BENNY TIEU can be reached on 571-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For


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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ADEL YOUSSEF

UNIT#2109

09/20/2007

  
BENNY Q. TIEU  
SPE/TRAINER